

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAROL NOE,

Plaintiff,

-against-

RAY REALTY,

Defendant.

19-CV-01455 (JHR)(RFT)

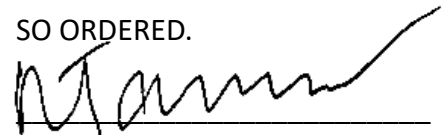
ORDER

ROBYN F. TARNOFSKY, United States Magistrate Judge:

I received the attached ex parte communication from Plaintiff. The settlement conference scheduled for today at 2:00 PM is adjourned sine die.

DATED: May 1, 2024
New York, NY

SO ORDERED.

A handwritten signature in black ink, appearing to read 'RTarnofsky', written over a horizontal line.

ROBYN F. TARNOFSKY

United States Magistrate Judge

From: HealthWatch@nyc.rr.com
To: [Rearden NYSD Chambers](#); [Tarnofsky NYSD Chambers](#); ["healthwatch@nyc.rr.com"](mailto:healthwatch@nyc.rr.com); ["legalwatch@yahoo.com"](mailto:legalwatch@yahoo.com)
Subject: #3 Reschedule/Urgent//Amended Wed May 1, 2024, Mon April 29, 2024, Wed May 24. 2024, Judge Rearden & Magistrate Tarnofsky DOCKET 19-CV-1455 NOE v RAY REALTY- Reschedule Wed May 1st Settlement Conference W EX-PARTE Answer Form Question P2
Date: Wednesday, May 1, 2024 7:15:02 AM
Importance: High

CAUTION - EXTERNAL:

[Encrypted Protected Confidential Ex-Parte Hipaa Protected Communications](#)
[Continued below](#)

#3 Reschedule/Urgent//Amended Last Question Wed May 1, 2024, Mon April 29, 2024, Wed May 24. 2024,

To: Judge Jennifer Rearden -SDNY
To: Magistrate Robin Tarnofsky -SDNY
To: Both email addresses
To: "reardenNYSDchambers@nysd.uscourts.gov",
"tarnofskyNYSDchambers@nysd.uscourts.gov",

RE: DOCKET 19-CV-1455 - NOE v RAY REALTY et Al

RE: RESCHEDULE URGENT AMENDED RESCHEDULE SETTLEMENT CONFERENCE OF WED MAY 1, 2024 at 2PM for OTHER NEW DATE TBD AT 2PM AS PLAINTIFF WILL FILE LETTER ON OR BEFORE WED MAY 8, 2024 WITH DOCTOR MEDICAL UPDATE AND OTHER IMPORTANT RELIEF REQUESTED ETC THIS RESCHEDULING REQUEST IS MADE UNDER ADA REASONABLE ACCOMMODATION UNDER TITLE II & REHAB ACT 504-794

Dear Judge Rearden and Magistrate Tarnofsky

16) URGENT AMENDED SUPPLEMENTAL Ex-Parte Draft Settlement Conference Response to Court Form Question on Page 2 of Page 2 as to "Impediment for having a productive settlement Conference on Wed May 1, 2024 at 2PM" will need to reschedule my Settlement Conference Wed May 1, 2024 as my Doctor directed me Not to commute to my May 1st Settlement Conference due to ongoing worsening symptoms of stabbing pain, infection and inflammation etc related to my ADA Respiratory Medical Disability as he has arranged for extensive testing in the next few days to address the worsening pain etc, as I was hoping that the pain would subside by this morning Wed May 1st, but it has only worsened and increased to date This Rescheduling Request is made under ADA - Reasonable Accommodation under Title II & Rehab Act 504-794 Reschedule Settlement Conference of Wed May 1st for a future conference date at 2PM with Date TBD Plaintiff will Notify and Update this Court On or By Wednesday May 8, 2024 by filing with ADA Medical Update from Doctor & Other important Relief sought with Pro Se Office. I would ask the court to please also Notify Defendants and to also cc plaintiff of such notification by designated registered email to LegalWatch@yahoo.com

Thank you for your attention to this ADA Reasonable Accommodation Rescheduling Request

Regards,

CNoe

FHA - ADA Status Protected Disabled Plaintiff

917-237-0202 (private number)

HealthWatch@nyc.rr.com (Private Email) & LegalWatch@Yahoo.com registered email listed on Pacer

Encrypted Protected Confidential Ex-Parte Communications Hipaa Protected Continued Below

From: HealthWatch@nyc.rr.com
To: "reardenNYSDchambers@nysd.uscourts.gov",
"tarnofskyNYSDchambers@nysd.uscourts.gov", "healthwatch@nyc.rr.com",
"legalwatch@yahoo.com"
Cc:
Sent: Monday April 29 2024 4:09:11PM
Subject: #2 Resent Monday April 29, 2024 & Wed April 24, 2024 Judge Rearden &
Magistrate Tarnofsky DOCKET 19-CV-1455 NOE v RAY REALTY- Ex-Parte Draft
Settlement Conference Summary for Wednesday 2PM Conference MAY 1, 2024 Encrypted
Protected Confidential Ex-Parte C

Encrypted Protected Confidential Ex-Parte Communications

#2 Resent on Monday April 29, 2024 & Sent on Wed April 24, 2024

To: Judge Jennifer Rearden -SDNY
To: Magistrate Robin Tarnofsky -SDNY
To: Both email addresses
To: "reardenNYSDchambers@nysd.uscourts.gov",
"tarnofskyNYSDchambers@nysd.uscourts.gov",

RE: DOCKET 19-CV-1455 - NOE v RAY REALTY et Al

RE: EX-PARTE DRAFT SETTLEMENT CONFERENCE SUMMARY WED MAY 1, 2024 at 2PM

RE: Docket #195 Court Order March 29, 2024-

From C. NOE Emails Legalwatch@yahoo.com listed on Pacer and our (Private Email) is as follows Healthwatch@nyc.rr.com (not listed for public)

RE: RESERVATION of RIGHTS to Amend - Revise and Supplement and Correct any errors etc:

RE: FOR SETTLEMENT PURPOSES ONLY EX-PARTE DRAFT SETTLEMENT

CONFERENCE SUMMARY. This Draft shall Not to be construed as a bona-fide settlement. Only a separate written final agreement executed by the parties shall be deemed such a settlement. Nor should any communication from Plaintiff to the Court and to Defendants Counsel be construed as a settlement as only an agreement ratified and executed by the Plaintiff in writing with signature shall be deemed an acceptance.

Dear Judge Rearden and Magistrate Tarnofsky

Per the Court Order #DKT 195 dated March 29, 2024 please see information in body of email below.

NOTE: Ex-Parte Draft Settlement Conference Summary with Answers to Questions Listed on Court Form Found Below in Body of this Email Resent on Monday April 29, 2024 due to Service Provider System Error when originally sent on Wed April 24, 2024 which I do not believe the court received it on April 24, 2024

1. CAPTION :CNOE v RAY REALTY et Al --DOCKET 19-CV-1455

2. District Court Judge Jennifer Rearden

3. YES JURY TRIAL DEMANDED

4. PLAINTIFF CLAIMS FHA 3601 to 3609 & ADA - CIVIL RIGHTS

5. **DEFENSES** - As stated in all motions ignored by the court They have No Defenses as None provided to me nor the court that Support the Statutory Requirements for the above listed claims, No Defenses provided that support a Dismissal Five Years After the Case was filed in where defendants in 2019 Already provided their Answers, Responses, Etc to both Original Complaint of FEB 2019 and the First and Only Amended Complaint filed 2019 as the Federal Rules of Procedure, Law of the Case and Procedural History of the Case Prohibit a dismissal at this time furthermore ONLY the FIRST Amended Complaint of July to Nov 2019 Applies to ALL Defendants since ONLY in 2021 all these OTHER defendants were ONLY added to the Case which is governed by the First Amended Complaint and the Marshall's Office did Not serve these Other Defendants as Required for them to do

6. **RELIEF UNDER APPLICABLE LAW for ADA & FHA Disabled Plaintiff is STATUTORY** cited in ORIGINAL COMPLAINT FEB 2019 and First and Only Amended Complaint filed in July to November 2019 with controlling case law listed, exhibits in support and Rulings under SEE RULINGS/CITATIONS UNDER FHA Judge Spatt and others in both my Complaints with Extensive Exhibits and Case Law Highlighted. Please read and study both Complaints and extensive exhibits in support filed and refiled in 2019 along with Motions Pending from 2020 thru 2023 Not Ajudicated by this court

7. **SUMMARY of ACTUAL DAMAGES** - Listed in Both Original Feb 2019 Complaint and Listed July to Nov 2019 Filed First Amended Complaint of NY GOVERNMENT AGENCY ISSUED 48 HPD Repair Extensive Mold Violations just on my apartment posted from 2012 to 2015 thru end of Dec 2023 Not cured thru March 2024 retaliation and discrimination under FHA for ADA Disabled Protected Status Plaintiff and all other

EXTENSIVE damages, Negligence & Liability listed in both complaints in support of Statutory FHA -ADA laws, Civil Rights Laws and much more Listed in BOTH 2019 Complaints filed with Judge Abrams

8. ATTENDANCE - C. NOE plus One

**9. YES MOTIONS & RULINGS PENDING from 2020 THRU 2024 over 12 plus Motions filed NOT Ajudicated by the Court to date and intentionally ignored in violation of FRCP and Rights to Due Process
Plaintiff demands to be heard for each of these motions in Oral Argument and Extension of Time to Respond**

10. OTHER MATTERS TO BRING TO COURT ATTENTION FOUND IN #9, Plus Need Extension of Time to Respond to All DEFENDANTS AT THE SAME TIME until SEPT 30, 2024 and NOT SEPARATE RESPONSES as this would OBSTRUCT my CONSTITUTIONAL DUE PROCESS RIGHTS and would UNLAWFULLY GIVE defendants A LEGAL ADVANTAGE. Will provide in camera at CONFERENCE on WED May 1, 2024 confidential Hipaa Protected Doctors ADA Medical Disability Note in support of Extension of Time to Sept 30, 2024 to Respond to All Parties in Support of ADA Statutory TITLE II and Rehab Act 504 & 794 and YES other Matters to be disclosed to the court at Conference

11. MONETARY DEMANDS MADE listed in both Original Complaint of Feb 2019 and First Amended Complaint of July to Nov 2019

12. OFFERS Made Only by Insurance Carrier Via Email received in 2019 was \$1,000 One Thousand Dollars and in 2021 was \$5, 000 Five Thousand Dollars by Email. No response was provided by Plaintiff

13. MATERIAL NON MONETARY TERMS & CONDITIONS LISTED in both Complaints filed in 2019

14. SYNOPSIS OF CLAIMS LISTED IN ORIGINAL COMPLAINT FEB 2019 & 1ST & ONLY AMENDED COMPLAINT OF JULY TO NOV 2019

15. Best Efforts should be made to settle this matter in Good Faith by the Insurance Carrier as More conferences will be needed

RESERVATION of RIGHTS to Amend - Revise and Supplement and Correct any errors ETC

FOR SETTLEMENT PURPOSES ONLY EX-PARTE DRAFT SETTLEMENT CONFERENCE SUMMARY. This Draft shall Not to be construed as a bona-fide settlement. Only a separate written final agreement executed by the parties shall be deemed such a settlement. Nor should any communication from Plaintiff to the Court and to Defendants Counsel be construed as a settlement as only an agreement ratified and executed by the Plaintiff in writing with signature shall be deemed an acceptance.

NOTICE: This message, including all attachments transmitted with it, is for the use of the addressee only. It may contain proprietary, confidential and/or legally privileged

information. No confidentiality or privilege is waived or lost by any transmitted error. If you are not the intended recipient, you must not, directly or indirectly, use, disclose, distribute, print or copy any part of this message. If you believe you have received this message in error, please delete it and all copies of it from your system and notify the sender immediately by reply e-mail.

Thank you for your attention to this confidential ex-parte draft settlement summary

Regards,

CNoe

FHA - ADA Status Protected Disabled Plaintiff

917-237-0202 (private number)

HealthWatch@nyc.rr.com (Private Email) & LegalWatch@Yahoo.com listed on Pacer

Encrypted Protected Confidential Ex-Parte Communications

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.